IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FARAD CONTINUATION SHEET

CIVIL APPLICATION NO.2342 OF 2004

IN

FIRST APPEAL ST. NO.19588 OF 2004

.....

Office Notes,Office memorandum of Coram, appearances,Court's orders or directions & Registrar's orders.	Court's or Judge's orders

.....

Mr.M.M.Vashi for the Appellant/Applicant
Mr.M.D.Patil for the Respondent-B.M.C.

CORAM: A.S.OKA, J.

DATED: AUGUST 23, 2004.

P.C.:

1. Rule. Shri Patil waives service for Respondent-Corporation. The Appeal has already been admitted for final hearing. Therefore, the suit structure cannot be permitted to be demolished till the disposal of the First Appeal. However, the Applicant is not entitled to unconditional relief. Considering the facts and circumstances, I pass the following order :

I) Civil Application is allowed in terms of prayer clause (a) subject to following conditions :

a) The Applicant will file undertaking in writing within three weeks from today in this Court stating therein that

i) The Applicant will not create any third party interests in respect of the suit structure;

ii) The Applicant will not part with possession of the suit structure and

iii) The Applicant will not carry out any additions or alterations to the suit structure without permission of this Court.

b) If undertaking is not filed within the stipulated period, the interim relief granted will automatically stand vacated.

Judge.